

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



May 27, 2004

Agenda ID #3593
Quasi-Legislative

TO: PARTIES OF RECORD IN INVESTIGATION 00-08-002

This is the draft decision of Administrative Law Judge (ALJ) Wetzell. It will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the draft decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure." These rules are accessible on the Commission's website at <http://www.cpuc.ca.gov>. Pursuant to Rule 77.3 opening comments shall not exceed 15 pages. Finally, comments must be served separately on the ALJ and the assigned Commissioner, and for that purpose I suggest hand delivery, overnight mail, or other expeditious method of service.

/s/ ANGELA K. MINKIN
Angela K. Minkin, Chief
Administrative Law Judge

ANG:jva

Attachment

Decision **DRAFT DECISION OF ALJ WETZELL (Mailed 5/27/04)****BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation into the
Functioning of the Wholesale Electric Market and
Associated Impact on Retail Rates.

Investigation 00-08-002
(Filed August 3, 2000)

ORDER CLOSING PROCEEDING

As is clear from the caption, we opened this investigation at a time when the functioning of California's wholesale electric market, as it then existed, was clearly creating crisis. The form of that market has since been changed in fundamental ways. While the causes and cures of the electricity crisis are matters we continue to confront, we are dealing with them in more current dockets, better framed to address the market and the changed legal and regulatory framework existing today. Further work in this investigation would not be productive, so we will close it.

Comments on Draft Decision

The draft decision of the Administrative Law Judge (ALJ) in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7 of the Rules of Practice and Procedure. Comments were filed on ____.

Assignment of Proceeding

Carl Wood is the Assigned Commissioner and Mark S. Wetzell is the assigned Administrative Law Judge.

Finding of Fact

California's wholesale electricity market, and the legal and regulatory framework within which that market operates, have changed in fundamental ways since the start of this investigation.

Conclusion of Law

This docket is stale and should be closed, effective immediately.

IT IS SO ORDERED that Investigation 00-08-002 is closed.

This order is effective today

Dated _____, at San Francisco, California.